

Introduced by Senator Soto

February 16, 2006

An act to add Article 11 (commencing with Section 7740) to Chapter 1 of Division 4 of the Public Utilities Code, relating to railroads.

LEGISLATIVE COUNSEL'S DIGEST

SB 1311, as introduced, Soto. Railroads: liability waivers.

Existing law provides that everyone is responsible for the result of willful acts and for injury to another occasioned by his or her want of ordinary care or skill in the management of his or her person or property, as specified.

This bill would require any person, firm, or corporation operating a railroad in this state that elects, in the event of a derailment, to offer payment to an affected party for his or her waiver of liability regarding any applicable cause of action, to provide a written translation of the waiver agreement, prior to the execution thereof, in a language in which the person signing the waiver is fluent. The bill would provide for the waiver agreement to be rescinded upon the failure to comply with this requirement.

Vote: majority. Appropriation: no. Fiscal committee: no.
State-mandated local program: no.

The people of the State of California do enact as follows:

- 1 SECTION 1. Article 11 (commencing with Section 7740) is
- 2 added to Chapter 1 of Division 4 of the Public Utilities Code, to
- 3 read:

1 Article 11. Waiver of Liability for Railroad Accidents

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3 7740. (a) Any person, firm, or corporation operating a
4 railroad in this state that elects, in the event of a derailment, to
5 offer payment to an affected party for his or her waiver of
6 liability regarding any applicable cause of action, shall provide a
7 written translation of the waiver agreement, prior to the
8 execution thereof, in a language in which the person signing the
9 waiver is fluent.

10 (b) Upon a failure to comply with subdivision (a), the person
11 aggrieved may rescind the waiver agreement.